

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAN,

Appellant,

v.

RALPH PARTNERS II, LLC,

Appellee.

Case No. 18-cv-04444-PJH

ORDER DISMISSING APPEAL

Re: Dkt. No. 3

As explained in this court's prior order, Bankruptcy Rule 8009 requires an appellant to file with the clerk and serve on the appellee a designation of items to be included in the record and a statement of issues within 14 days after filing a notice of appeal. Dkt. 3 at 1; Fed. R. Bank. Proc. 8009. On July 30, 2018, this court issued an order to show cause why appellant Jian Pan's failure to perfect his appeal pursuant to Rule 8009 should not result in dismissal. Dkt. 3. The court also ordered Pan to notify the court whether the appeal was moot. Id. Pan was required to file a written response to these orders within 14 days. Id. That deadline has now passed, and the court has not received a response.

Accordingly, the court finds that in view of plaintiff's failure to perfect his appeal and his failure to comply with this court's order to show cause, that there is no less drastic sanction available, and that the appeal must be DISMISSED WITHOUT PREJUDICE. See Ferdik v. Bonzelet, 963 F.2d 1258, 1261-62 (9th Cir. 1992) (consideration of alternatives is satisfied where the court expressly warned that failure to abide by a court order will result in dismissal); Williams v. Schoenmann, No. C-03-1936 SC, 2003 WL 22749198, at *2 (N.D. Cal. Nov. 18, 2003) (dismissing appeal for failure to

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provide an adequate record).

IT IS SO ORDERED.

Dated: August 14, 2018



PHYLLIS J. HAMILTON
United States District Judge